

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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C&L INTERNATIONAL TRADING INC. and KAM NG,

Plaintiffs,

13 Civ. 2638 (LLS)

13 Civ. 2763 (LLS)

- against -

ORDER

CHUNG KEE (USA) INTERNATIONAL INC., YAT
CHAU (USA) INC., TUNG REN TANG, RON FENG
TRADING INC., FARGO TRADING INC., YONG LONG
SUPERMARKET INC., and PO WING HONG FOOD
MARKET INC.,

Defendants.

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AMERICAN TIBETAN HEALTH INSTITUTE, INC.,

Plaintiffs,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>10/18/13</u>

- against -

KAM NG, C&L INTERNATIONAL TRADING, INC.,
KANG LI TRADING, INC., and K&C
INTERNATIONAL TRADING, INC.,

Defendants.

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On May 1, 2013, American Tibetan Health Institute, Inc.
("ATHI") moved by order to show cause for a preliminary
injunction against Kam Ng, C&L International Trading, Inc., Kang
Li Trading, Inc., and K&C International Trading, Inc.
(collectively "C&L") to restrain C&L from "Selling or offering
to sell, manufacturing, supplying, distributing, making, or
importing into the United States any TIBETAN BAICAO TEA

product," See ATHI's Order to Show Case 6 (Dkt No. 6), as well as other relief.

At a hearing on ATHI's motion on May 21, 2013, it became clear that C&L had agreed to cease sales in the old packaging, and that the presentation of facts was so conflicting and inconclusive as to render impossible a ruling on the balance of the motion, and further action with regard to it was deferred to permit the parties to submit a statement of the timeline and stipulated facts.

The parties submitted such a timeline to me on September 20, 2013, but no factual conclusions can be drawn from it to justify granting or denying ATHI's motion for preliminary injunction. No other facts regarding that issue have been submitted by stipulation or otherwise.

Accordingly, ATHI's motion for preliminary injunction (Dkt No. 6) is deemed abandoned, and is therefore denied without prejudice to renewal upon a proper showing.

So ordered.

Dated: New York, New York
October 18, 2013

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.